## **EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2006-0823-DCL-E **TCEQ ID:** RN104957873 and RN104962618 **CASE NO.:** 29967

RESPONDENT NAME: Zucker Enterprises, Inc. dba Sparkle Cleaners

ORDER TYPE:							
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
_AMENDED ORDEREMERGENCY ORDER							
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
PUBLIC WATER SUPPLY	WATER SUPPLYPETROLEUM STORAGE TANKS						
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
_MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	X DRY CLEANER REGISTRATION					
SITE WHERE VIOLATION(S) OCCURP Paso County  TYPE OF OPERATION: Dry cleaning dro	<b>RED:</b> Sparkle Cleaners, 1605 George Dieter Drive and p stations	nd 6600 North Mesa, Suite 606, El Paso, El					
SMALL BUSINESS: X Yes	_No						
OTHER SIGNIFICANT MATTERS: The these facility locations.	re are no complaints. There are no records of addition	onal pending enforcement actions regarding					
INTERESTED PARTIES: No one other th	an the ED and the Respondent has expressed an inte	rest in this matter.					
COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.							
CONTACTS AND MAILING LIST:  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Ms. Shontay Wilcher, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2136;  Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  Respondent: Mr. Stephen Zucker, President, Zucker Enterprises, Inc., 6990 Westwind Drive, Suite 465, El Paso, Texas 79912  Respondent's Attorney: Not represented by counsel on this enforcement matter							

**DOCKET NO.:** 2006-0823-DCL-E

#### **VIOLATION SUMMARY CHART:** CORRECTIVE ACTIONS 14154 VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED 1, 000 Type of Investigation: Total Assessed: \$1,778 **Corrective Actions Taken:** Complaint X Routine The Executive Director recognizes that the Total Deferred: \$356 Enforcement Follow-up X Expedited Settlement respondent submitted completed Records Review registration forms to the TCEO for the Facilities on May 23 and June 2, 2006. Financial Inability to Pay Date(s) of Complaints Relating to this Case: None **SEP Conditional Offset: \$0** Dates of Investigations Relating to this Total Paid (Due) to General Revenue: \$122 Case: May 23 and June 2, 2006 (remaining \$1,300 due in 13 payments of \$100 each) Date of NOV/NOE Relating to this Case: June 22 and July 17, 2006 (NOE) Site Compliance History Classification High \_\_\_ Average \_\_ Poor Background Facts: These were routine investigations. One violation was **Person Compliance History Classification** documented. \_\_ High \_\_\_ Average \_\_ Poor WASTE Major Source: \_\_\_ Yes \_X\_ No Failed to complete and submit the required Applicable Penalty Policy: September 2002 registration form to the TCEQ for the Facilities [30 Tex. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].

Orderel	Page 1 of 4 09/04		-acn2-7uckerwh3	
	Zucker Enterprises in C. Sparkie Cieaners - 2006 Penaity Calculation	Worksheet (PCW)		0005
Policy Revision 2 (	September 2002)		PCW Revision May 19	, 2005
ICEQ DATES Assigned PCW	17-Jul-2006   Screening 19-Jul-2006	EPA Due		. 11111-1111111
AND THE PROPERTY OF THE PROPER		AMERICAN PART AND AMERICAN SET OF THE PART		
RESPONDENT/FACILI	ITY INFORMATION Zucker Enterprises, Inc. dba Sparkle Cleane	re		
Reg. Ent. Ref. No.	RN104962618	10		
Facility/Site Region		< Major/Minor Source	Minor Source	<
CASE INFORMATION				
Enf./Case ID No.	29967	No. of Violations	1	
	2006-0823-DCL-E	Order Type		<
Media Program(s)	Drycleaner		Christina J. Martinez	
Multi-Media	**************************************		Enforcement Team 7	<
Admin. Penalty \$ Li	mit Minimum \$0 Maximum	\$50	egenegi (Samunianananananananananananananananananana	and the second s
	Penalty Calcul	ation Section		Q. Mercellinow
TOTAL BASE PEN	IALTY (Sum of violation base pena	alties)	Subtotal 1	\$1,185
AD HIGHNENITO /	(/) TO CURTOTAL 4			- Company
	-/-) TO SUBTOTAL 1	ol 1) by the indicated percentage		*
Compliance H	obtained by multiplying the Total Base Penalty (Subtota		otals 2, 3, & 7	\$0
				-
Notes	No enhancement due to com	pliance history.		HERMANIA PARA CANADA
Culpability [	No < 0%	Enhancement	Subtotal 4	\$0
Notes	The respondent does not meet the	e culpability criteria.		
110.00			,	, and a second
Good Faith Ef	fort to Comply 25%	Reduction	Subtotal 5	-\$296
<sub>"</sub> [	Before NOV NOV to EDPRP/Settlement Offer			
Extraordinary				1
Ordinary N/A	X (mark with a small x)			Day Dipolicy
	The respondent came into compliance before	ore the Notice of Enforcement	· ·	
Notes	was issued.	ore the House of Emorochient		The state of
				<b>*</b> 0
Economic Be		*Capped at the Total EB \$ Amount	Subtotal 6	\$0
	Fotal EB Amounts \$9 opt of Compliance \$250	Capped at the Total LD & Amount	ł,	900
Approx. Co	ost of Compliance \$250			
SUM OF SUBTOT	ALS 1-7		Final Subtotal	\$889
OTHER FACTORS	S AS JUSTICE MAY REQUIRE		Adjustment	\$0
	inal Subtotal by the indicated percentage. (Enter number	ber only; e.g30 for -30%.)		
Notes			] , , , , , , , , , , , , , , , , , , ,	#000
The state of the s		Final Pe	enalty Amount	\$889
STATUTORY LIM	T ADJUSTMENT	Final Ass	essed Penalty	\$889
DEEEDDAI		20% Reduction	Adjustment	-\$178
DEFERRAL Reduces the Final Assesse	d Penalty by the indicted percentage. (Enter number of		, tajaotinont	Ψιιο
Notes	Deferral offered for expedit		7	
inotes	Deletial offered for expedit	ou obtainiona		

PAYABLE PENALTY

\$711

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Orders\ZuckerEnterprisesInc-SparkleCleaners-2006-0823-DCL\2006-0823-DCL-E-qcp2-Zucker.wb3-Screening Date 19-Jul-2006

Docket No. 2006-0823-DCL-E

Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

Case ID No. 29967

Reg. Ent. Reference No. RN104962618

Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

### **Compliance History Worksheet**

### >> Compliance History Site Enhancement (Subtotal 2)

Component		nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
nagyan salah kerangir pilan sahi dan barar rilina baha salah salah salah sa	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement ord without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	ers 0	0%
Judgments and	Any non-adjudicated final court judgments or consent decrees containing denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	ng a 0	0%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a der of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (numbe of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
A	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Outer	Participation in a voluntary pollution reduction program •	No	0%
,	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

			Adjustment Percentage (Subtotal 2)	0%
>>	Repeat Violator (Sub	total 3)		
	No	<	Adjustment Percentage (Subtotal 3)	0%
>>	Compliance History	Person Classification (	(Subtotal 7)	
	N/A	· <	Adjustment Percentage (Subtotal 7)	0%
>>	Compliance History	Summary		
	Compliance History Notes	No	o enhancement due to compliance history.	, mar a f
		Tota	al Adjustment Percentage (Subtotals 2, 3, & 7)	0%

	Page 3 of 4	09/04/07 H:\Agreed	ann 9 7 unizor ith 2
Screenii	ZuckerEnterprisesInc-SparkleCleaner <b>ng Date</b> 19-Jul-2006	<b>Docket No.</b> 2006-0823-DCL-E	PCW
Resp	ondent Zucker Enterprises, Inc. db	a Sparkle Cleaners	Policy Revision 2 (September 2002)
Case	e ID No. 29967		PCW Revision May 19, 2005
Reg. Ent. Refere	nce No. RN104962618		тикоопи
	Statute] Drycleaner		Continues
Enf. Coor	dinator Christina J. Martinez		Month
	Number 1	A L	
Primary Ru		c. Admin. Code § 337.10(a)	
Secondary Ru	le Cite(s)	alth & Safety Code § 374.102	
Violation De	scription The respondent failed to form to the TCEQ for	complete and submit the required reg a dry cleaning and/or drop station fac	gistration illity.
		Bas	se Penalty \$50
>> Environme	ntal, Property and Human Hea	alth Matrix	gg minimum in a market
	Release Major Moderate Min	or	
OR .	Actual	_	· · ·
	Potential	Percent	
Висаноми	atia Matrix		
>> Programm	<b>atic iviatifix</b> Falsification Major Moderate Mir	or	
	X X	Percent 10%	
			===
Matrix Notes	100% of the rule requ	irement was not met.	
L CONTROL CONT		Adjustment	-\$45
THE PROPERTY OF THE PROPERTY O		Base Penalt	y Subtotal \$5
Violation E	vents		
Numbe	er of Violation Events 237		
**************************************	daily X monthly	Water as Ba	se Penalty \$1,185
-	ark only one quarterly size a small x semiannual annual single event	Violation Ba	se renaity \$1,105
MINISTRA CONTRACTOR OF THE STATE OF THE STAT	Two hundred thirty-seven daily e September 1, 2005 deadline to the A the TCEQ letter dat	vents are recommended from the pril 26, 2006 deadline established by ed March 24, 2006.	
Economic	Benefit (EB) for this violation	Statutory Limit	Test
. Es	stimated EB Amount \$9	Violation Final Pe	nalty Total \$889

This violation Final Assessed Penalty (adjusted for limits)

\$889

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\*\*Orders\ZuckerEnterprisesInc=SparkleCleaners=2006;0823;-DCL\2006-0823;-DCL-E-qcp2-Zucker.wb3

\*\*Economic Benefit Worksheet\*\*

Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners Case ID No. 29967 Reg. Ent. Reference No. RN104962618 Media [Statute] Drycleaner Percent Years of Violation No. 1 Depreciation Interest 5.0 Final ltem Date Yrs Interest Onetime Item Cost Required Date Saved Costs Amount **Description** No commas or \$ **Delayed Costs** 0.0 \$0 \$0 \$0 Equipment Buildings 0.0 \$0 \$0 \$0 0.0 \$0 \$0 Other (as needed) \$0 \$0 \$0 0.0 \$0 Engineering/construction \$0 \$0 0.0 n/a Land Record Keeping System 0.0 \$0 n/a \$0 0.0 \$0 \$0 Training/Sampling n/a 0.0 \$0 \$0 Remediation/Disposal n/a \$250 | 01-Sep-2005 02-Jun-2006 0.8 \$9 n/a \$9 Permit Costs Other (as needed) 0.0 \$0 n/a \$0 The estimated cost to register a dry cleaning or drop station facility annually. The date required Notes for DELAYED costs is the date that the completed registration form was due and the final date is the date the respondent came into compliance. **Avoided Costs** ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal 0.0 \$0 \$0 0.0 \$0 \$0 Personnel \$0 Inspection/Reporting/Sampling 0.0 \$0 \$0 0.0 \$0 \$0 \$0 Supplies/equipment \$0 \$0 Financial Assurance [2] 0.0 \$0 0.0 ONE-TIME avoided costs [3] \$0 \$0 \$0 0.0 \$0 \$0 \$0 Other (as needed)

TOTAL

\$9

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

# Compliance History

Customer/R	Respondent/Owner-Operator:	CN603043266	Zucker Enterprises, Inc.	Clas	ssification:	Rating:
Regulated E	Entity:	RN104962618	SPARKLE CLEANERS	Clas	ssification:	Site Rating:
ID Number(	(s):	INDUSTRIAL AND	HAZARDOUS WASTE	EPA ID		TXR000073452
Location:			E 606, EL PASO, TX, 79912			
TCEQ Regi	on:	REGION 06 - EL F	PASO	-		
Date Comp	liance History Prepared:	July 17, 2006				
Agency Dec	cision Requiring Compliance History:	Enforcement				
Compliance	e Period:	July 17, 2001 to Ju	uly 17, 2006			
TCEQ Staff	Member to Contact for Additional Inform	ation Regarding this	Compliance History			
Name:	Christina J. Martinez	Ph-	one: (512) 239-0739			
		Site	Compliance History Comp	onents		
1. Has the s	site been in existence and/or operation fo	r the full five year co	mpliance period?	Yes		
	e been a (known) change in ownership of			No		
3. If Yes, w	ho is the current owner?			N/A		_
4. if Yes, w	who was/were the prior owner(s)?			N/A		<u>-</u>
5. When di	id the change(s) in ownership occur?			N/A		
Compone	ents (Multimedia) for the Site :					<del></del>
Α.	Final Enforcement Orders, court judgeme	ents, and consent de	crees of the state of Texas and	d the federal governmer	nt.	
	N/A					
В.	Any criminal convictions of the state of To	exas and the federal	government.			
•	N/A		. *			
C.	Chronic excessive emissions events.			* * .		
	N/A	CEDC Inv. Track No.	<b>\</b>			
D.	The approval dates of investigations. (CC 1 07/12/2006 (480473)	JEDS INV. Track. No	.)			
*			. *			
E.	Written notices of violations (NOV). (CCE	EDS Inv. Track. No.)				
	N/A					
F	Environmental audits. N/A		•			
G.	Type of environmental management sys	tems (EMSs).				å
	N/A					
H.	Voluntary on-site compliance assessmen	nt dates.				
	N/A					
l.	Participation in a voluntary pollution redu	action program.	•			
	N/A					
J.	Early compliance.					
	N/A					
Sites Outs	ide of Texas					
	N/A					

Control of the Control

Page 1 of 4 09/04/07 H:\Agreed Orders\ZuckerEnterprisesing-SpackieCleaners-2006-0823-DCL-2006-0823-DCL-E-qcp-Zucker.wb3
Penalty Calculation Worksheet (PCW) PCW Revision May 19, 2005 Policy Revision 2 (September 2002) Assigned 26-Jun-2006 DATES PCW 27-Jun-2006 Screening 27-Jun-2006 EPA Due RESPONDENT/FACILITY INFORMATION Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners Reg. Ent. Ref. No. RN104957873 Major/Minor Source Minor Source Facility/Site Region 6-El Paso CASE INFORMATION

No. of Violations 1

Order Type 1660

Enf./Case ID No. 29967

Docket No.	2006-0823-D0	CL-E			Order Type		<
Media Program(s)	Drycleaner			< En		Christina J. Martinez	
Multi-Media					EC's Team	Enforcement Team 7	<
Admin. Penalty \$ Li	mit Minimum	\$0	Maximum	\$50		TO SEAN BOOK - TO THE TOTAL SERVICES THE SER	demonstrated that arrangements
							- L
		Pena	Ity Calcula	ation Sec	tion		
•				٠.			
TOTAL BASE PEN	IALTY (Sur	n of violatio	n base pena	ılties)		Subtotal 1	\$1,185
							MIT X MAIL
ADJUSTMENTS (+				,			D.E. dengarre
Subtotals 2-7 are of		olying the Total Bas					<b>#</b> 0
Compliance H	listory		0%	Enhancement	Sub	totals 2, 3, & 7	\$0
Notes		No enhancem	ent due to com	pliance history			7
							900
f		T: . 3	20/	E. I		Cubtotal 4	\$0
Culpability	No	<	0%	Enhancement		Subtotal 4	<u> </u>
Notes	The	respondent do	es not meet the	e culpability cri	teria.	•	Ý.
					4		-
Good Faith Ef	fort to Comp	lv	25%	Reduction		Subtotal 5	-\$296
GOOG Pailli Li	Before NOV	NOV to EDPRP/S		reduction		<i></i>	<del></del>
Extraordinary	20.0.07.07		]				
Ordinary	X						
` N/A		(mark with a sma	ill x)				
Notes	The respond	ent came into c	ompliance befo	ore the Notice of	of Enforcement		E-1
Notes			was issued.				
			-0/			0-1-4-4-1-0	<u> </u>
Economic Ber			-	Enhancement*	Total EB \$ Amoun	Subtotal 6	\$0
	Total EB Amounts			Capped at the	Total LD \$ Amoun		,
Approx. Co	ost of Compliance	φ230	7				Section Street
SUM OF SUBTOT	ΔI S 1-7					Final Subtotal	\$889
JOIN OF JODIO	ALO I-7						· · · · · · · · · · · · · · · · · · ·
OTHER FACTORS	S AS JUSTI	CE MAY RE	QUIRE		7	Adjustment	\$0
Reduces or enhances the F				per only; e.g30 f	⊐ or -30%.)	-	
		•				] .	
Notes							
					Final P	enalty Amount	\$889
						F	
STATUTORY LIM	IT ADJUST	MENT			Final Ass	essed Penalty	\$889
					_	· 	
DEFERRAL				20%	Reduction	Adjustment	-\$178
Reduces the Final Assesse	d Penalty by the i	ndicted percentage	e. (Enter number o	nly; e.g. 20 for 20	% reduction.)	٦	
Notes		Deferral offe	ered for expedite	ed settlement.			
.10100							
DAMADI E DENIA	<b>T</b> )/						\$711
							2111

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Orders\ZuckerEnterprisesInc-SparkleCleaners=2006-0823-DCL\2006-0823-DCL-E-qcp-Zucker.wb3Screening Date 27-Jun-2006

Docket No. 2006-0823-DCL-E

Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners

Case ID No. 29967

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104957873 Media [Statute] Drycleaner

Enf. Coordinator Christina J. Martinez

#### **Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component		Number Here	Adjust.
The prompts of the same of the	Written NOVs with same or similar violations as those in the current	0	0%
NOVs	enforcement action (number of NOVs meeting criteria)		
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	O	0%
Judgments and	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
A	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		nter Yes or No	
	Environmental management systems in place for one year or more	No	0%
04	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

		Adjustment Percentage (Subtotal 2)	0%
>>	Repeat Violator (Subtotal 3)	•	
	No <	Adjustment Percentage (Subtotal 3)	0%
>>	Compliance History Person Classification (Sub	total 7)	
	N/A	Adjustment Percentage (Subtotal 7)	0%
>>	Compliance History Summary		
	Compliance No enh	ancement due to compliance history.	
	Total A	diustment Percentage (Subtotals 2 3 & 7)	0%

	Page 3 of			
Screening	kerEnterprisesInc-SparkleClea Date 27-Jun-2006	ners-2006-0823-DCL\2006-082 <b>Docket No.</b> 2006-0823-	23-DCL-E-qcp-Zucker DCL-E	·wb3 <b>PCW</b>
	dent Zucker Enterprises, Inc.			ion 2 (September 2002)
	No. 29967		PCW	Revision May 19, 2005
Reg. Ent. Reference	No. RN104957873			
=	<b>tute]</b> Drycleaner			
	nator Christina J. Martinez			
Violation N				
Primary Rule (		Tex. Admin. Code § 337.10(a)		
Secondary Rule (		Health & Safety Code § 374.10	2	
Violation Desci		to complete and submit the rec for a dry cleaning and/or drop s		
	•		Base Penalty	\$50
F1	I. Duamantu and Uuman I	Joolth Matrix		
>> Environment	II, Property and Human I Harm	realth Matrix		
D	elease Major Moderate	Minor		•
OR	Actual Major Moderate	William		
	otential	Percent		
>> Programmati	: Matrix			
_	ification Major Moderate	Minor	-	
	X	Percent	10%	
-			-	
Matrix Notes	100% of the rule re	equirement was not met.		
		Λ.d	iustment -\$45	
TO THE PERSON AND THE		Ad	justment\$45	
		Bas	se Penalty Subtotal	\$5
			, , , , , , , , , , , , , , , , , , ,	
Violation Eve	nts			
. Number o	f Violation Events 237			
	daily <b>x</b>			
	monthly	Wa	lation Base Penalty	\$1,185
1	only one quarterly	VIO	lation base Penalty	\$1,100
use	small x semiannual			
	annual single event		•	
-	Single over			
	Two hundred thirty-seven dail	y events are recommended from	n the	
S	entember 1 2005 deadline to th	e April 26, 2006 deadline estab	lished by	
		dated March 24, 2006.		
<u>L</u>				
Economic Be	nefit (EB) for this violati	on Statutor	y Limit Test	
Eatin	ated EB Amount \$9	Violation	Final Penalty Total	\$889

This violation Final Assessed Penalty (adjusted for limits)

Page 4 of 4 09/04/07 H:\Agreed Orders\ZuckerEnterprisesInc-SparkleCleanars-2006-0823-DCL\2006-0823-DCL-E-qcp-Zucker.wb3-Economic Benefit Worksheet Respondent Zucker Enterprises, Inc. dba Sparkle Cleaners Case ID No. 29967 Reg. Ent. Reference No. RN104957873 Media [Statute] Drycleaner Years of Percent Violation No. 1 Interest Depreciation 5.0 15 Date Final Interest Onetime ΕB Item Item Saved Costs Amount Cost Required Date Description No commas or \$ **Delayed Costs** 0.0 \$0 \$0 \$0 Equipment Buildings 0.0 \$0 \$0 \$0 0.0 \$0 \$0 \$0 Other (as needed) 0.0 \$0 \$0 Engineering/construction 0.0 \$0 n/a \$0 Land 0.0 \$0 Record Keeping System n/a \$0 Training/Sampling 0.0 \$0 n/a \$0 0.0 \$0 \$0 Remediation/Disposal n/a \$250 01-Sep-2005 Permit Costs 0.7 \$9 n/a \$9 \$0 Other (as needed) 0.0 \$0 n/a The estimated cost to register a dry cleaning or drop station facility annually. The date required Notes for DELAYED costs is the date that the completed registration form was due and the final date is the date the respondent came into compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.0 \$0 Disposal

Personnei	1		0.0	φυ	φυ	φυ
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	. \$0	\$0
Other (as needed)	THE PROPERTY OF THE PROPERTY O	PRODUCTION OF THE PROPERTY OF	0.0	\$0	\$0	\$0
Notes for AVOIDED costs			· · · · · · · · · · · · · · · · · · ·	nene remanuman a Gararro de ca atrifa	descripte week weekgeents	

Approx. Cost of Compliance

\$250

TOTAL

\$9

# **Compliance History**

Customer	/Respondent/Owner-Operator:	CN603043266	Zucker Enterprises, Inc.	Classification:	Rating:
Regulated	l Entity:	RN104957873	SPARKLE CLEANERS	Classification:	Site Rating:
ID Numbe	er(s):		ID HAZARDOUS WASTE	EPA ID	TXR000069930
Location:		GENERATION 1605 GEORGE I	DIETER DR, EL PASO, TX, 79	936	
TCEQ Re	gion:	REGION 06 - EL	PASO		
Date Com	pliance History Prepared:	June 29, 2006			,
Agency D	ecision Requiring Compliance History:	Enforcement	A Section 1997		
Complian	"	June 29, 2001 to	June 29, 2006		
TCFQ Sta	aff Member to Contact for Additional Info	rmation Regarding	this Compliance History		
Name:	Christina J. Martinez		none: 512-239-0739		• 1
•	1				
			Compliance History Comp		
	e site been in existence and/or operation			Yes	
	ere been a (known) change in ownership who is the current owner?	of the site during ti	ne compliance period?	Yes	
	who was/were the prior owner(s)?			Zucker Enterprises, Inc.	
	•	•		Stephen Zucker	· .
5. When	did the change(s) in ownership occur?			June 9, 2006	
Compo	nents (Multimedia) for the Site :				
A.	Final Enforcement Orders, court judger	ments, and consent	decrees of the state of Texas	and the federal government.	
	N/A	• *			
В.	Any criminal convictions of the state of	Texas and the fede	eral government.		
C	N/A Chronic excessive emissions events.				
C					
D.	N/A The approval dates of investigations. (	CCEDS Inv. Track	No.)		
D.	1 06/23/2006 (483476)	CCLDO IIIV. TIACK.	140.)		•
_		CEDS Inv. Track N	lo)		
E.	Written notices of violations (NOV). (C	CEDS IIIV. Hack. N	10.)		
	N/A		•		
F	Environmental audits. N/A	,			
G.	Type of environmental management s	ystems (EMSs).			
	N/A				
H.	Voluntary on-site compliance assessm	nent dates.	•		
	N/A			· · · · · · · · · · · · · · · · · · ·	
I.	Participation in a voluntary pollution re	duction program.			
	N/A				
J.	Early compliance.				
	N/A				
Sitos Or	tside of Texas	4			

N/A

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	. §	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
ZUCKER ENTERPRISES, INC. DBA	§	TEXAS COMMISSION ON
SPARKLE CLEANERS	§	
RN104957873	§	
RN104962618	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2006-0823-DCL-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Zucker Enterprises, Inc. dba Sparkle Cleaners ("Zucker") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Zucker appear before the Commission and together stipulate that:

- 1. Zucker owns and operates two dry cleaning drop stations at 1605 George Dieter Drive and at 6600 North Mesa, Suite 606 in El Paso, El Paso County, Texas (the "Facilities").
- 2. The TCEQ has general authority to regulate the Facilities pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
- 3. The Commission and Zucker agree that the Commission has jurisdiction to enter this Agreed Order, and that Zucker is subject to the Commission's jurisdiction.
- 4. Zucker received notice of the violations alleged in Section II ("Allegations") on or about June 27, 2006 and July 22, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Zucker of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of One Thousand Seven Hundred Seventy-Eight Dollars (\$1,778) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Zucker has paid One Hundred Twenty-Two Dollars (\$122) of the administrative penalty and Three Hundred Fifty-Six Dollars (\$356) is deferred contingent upon Zucker's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived

Zucker Enterprises, Inc. dba Sparkle Cleaners DOCKET NO. 2006-0823-DCL-E Page 2

upon full compliance with the terms of this Agreed Order. If Zucker fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Zucker to pay all or part of the deferred penalty.

The remaining amount of One Thousand Three Hundred Dollars (\$1,300) of the administrative penalty shall be payable in 13 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Zucker fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Zucker to meet the payment schedule of this Agreed Order constitutes the failure by Zucker to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Zucker have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Zucker submitted completed registration forms to the TCEQ for the Facilities on May 23 and June 2, 2006.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Zucker has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facilities, Zucker is alleged to have failed to complete and submit the required registration form to the TCEQ for the Facilities, in violation of 30 Tex. ADMIN. CODE  $\S$  337.10(a) and Tex. Health & Safety Code  $\S$  374.102, as documented during investigations conducted on May 23, 2006 and June 2, 2006.

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#### III. DENIALS

Zucker generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Zucker pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Zucker's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Zucker Enterprises, Inc. dba Sparkle Cleaners, Docket No. 2006-0823-DCL-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Zucker. Zucker is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
- 3. If Zucker fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Zucker's failure to comply is not a violation of this Agreed Order. Zucker shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Zucker shall notify the Executive Director within seven days after Zucker becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Zucker shall be made in writing to the Executive Director. Extensions are not effective until Zucker receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Zucker in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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- 6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Zucker, or three days after the date on which the Commission mails notice of the Order to Zucker, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	9/16/07 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- · Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature Stefan

Date

Name (Printed or typed)

Authorized Representative of

Zucker Enterprises, Inc. dba Sparkle Cleaners

Title Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues

Section at the address in Section IV, Paragraph 1 of this Agreed Order.